

REMARKS

The Advisory Action mailed January 9, 2007 has been received and reviewed. All claims currently under consideration stand rejected. All amendments and claim cancellations are made without prejudice or disclaimer. No new matter has been added. Reconsideration is respectfully requested.

1. Priority

The Office asserted that claims 27-30 are not entitled to the benefit of Application No. 10/753,510 (hereinafter "parent application"), because the parent application allegedly does not adequately support establishment of a distribution system and a sales group for marketing a pharmaceutical.

Applicants have canceled claims 28 and 29. Therefore, the claims under consideration no longer encompass the subject matter in question. Applicants respectfully request reconsideration.

2. Specification Objection

The Office requested that the trademarks BAYTRIL and RNEASY be capitalized and be accompanied by a generic statement. Applicants have amended the specification to capitalize the trademarks. Applicants submit that BAYTRIL and RNEASY have fixed and definite meanings. Therefore, it is unnecessary for the use of the trademarks in the specification to be accompanied by a generic statement. *See M.P.E.P. § 608.01(v)(I).*

3. 35 U.S.C. § 112, 2nd ¶

Claims 27-30 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite. Claims 28-30 have been canceled, thereby mooted the rejection as to those claims. Specifically, it was thought that the term "accentuation" is not defined by claim 27, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It was also thought unclear from the claim what is being accentuated, sepsis or protection from sepsis.

Applicants have amended claim 27 to make clear that it is the sepsis that is accentuated. Table 2 of the as-filed specification provides support for the amendment. Table 2 discloses that

some of the peptides have an anti-shock effect (“protection from sepsis”) and other peptides have a shock accelerating effect (“accentuation of sepsis”). Applicants respectfully request withdrawal of the 35 U.S.C. § 112, second paragraph, rejection.

4. 35 U.S.C. § 102

Claims 27-30 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Lin *et al.* (hereinafter “Lin”). (US 2002/0147306). Claims 28-30 have been canceled, thereby mooting the rejection as to those claims.

Lin discloses in paragraph [0158] the use of a peptide library in very general terms, but fails to describe “a peptide database comprising peptides consisting of three (3) to nine (9) amino acids in length” as recited in amended claim 27. Therefore, Lin does not describe each and every element of claim 27. Support for the amendments to claim 27 may be found in claim 30 and in paragraph [0038] of the as-filed specification. Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection.

Claims 27-29 stand rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by Gorczynski *et al.* (hereinafter “Gorczynski”). (US 2005/0107314). Claims 28 and 29 have been canceled, thereby mooting the rejection as to those claims.

Gorczynski does not describe searching a peptide database as recited in amended claim 27. Therefore, Gorczynski does not describe each and every element of claim 27. Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection.

If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants’ attorney at the address or telephone number given herein.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K A E' with a stylized flourish at the end.

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